

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 CODY NAYLOR,

4 Plaintiff

Case No. 3:20-cv-00025-APG-CLB

ORDER

5 v.

6 WILLIAM A. GITTERE, *et al.*,

7 Defendants
8

9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections
11 (“NDOC”), submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and filed an
12 application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1).

13 Plaintiff’s application to proceed *in forma pauperis* is incomplete. Pursuant to 28
14 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to
15 proceed *in forma pauperis* and attach both an inmate account statement for the past six
16 months and a properly executed financial certificate on this Court’s approved form.
17 Plaintiff has not submitted a properly executed financial certificate or an inmate account
18 statement. (See ECF No. 1). As such, the *in forma pauperis* application is denied without
19 prejudice. The Court will retain Plaintiff’s civil rights complaint (ECF No. 1-1), but will not
20 file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted
21 an opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or
22 in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file a new
23 application to proceed *in forma pauperis* he must file a fully complete application to
24 proceed *in forma pauperis*, including an inmate account statement for the past six months
25 and a properly executed financial certificate.

26 **II. CONCLUSION**

27 For the foregoing reasons, IT IS ORDERED that Plaintiff’s application to proceed
28 *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

1 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the
2 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
3 document entitled information and instructions for filing an *in forma pauperis* application.

4 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
5 Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis*, on
6 the correct form with complete financial attachments in compliance with 28 U.S.C. §
7 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
8 fee and the \$50 administrative fee).

9 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
10 dismissal of this action may result.

11 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
12 (ECF No. 1-1) but will not file it at this time.

13 DATED: January 16, 2020.

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15 UNITED STATES MAGISTRATE JUDGE
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